

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
August 8, 2000

6:30 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:32 p.m., Tuesday, August 8, 2000, in the East Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

ANNUAL REVIEW OF BOARD POLICIES

Mr. Stuck indicated that each year the Board of Supervisors reviewed its policies which was a compilation of all ordinances and resolutions dealing with how the County does business. There was also a set of administrative directives that covered those things not covered in the policies or which implemented the Board's policies. He stated that no significant changes had been proposed this year. Mr. Stuck and the Board members then reviewed the suggested amendments to the following Board Policies:

BP94-03	Chisman Creek and Wolftap Parks Usage Policy
BP94-05	Dirt Street Improvement Program
BP94-08	Recreational Fees and Charges
BP94-10	Vehicle Fleet Management
BP96-15	Citizen News Advertising
BP00-17 (New)	New Quarter Park

Discussion was held regarding Dirt Streets and the process required to bring them up to VDOT standards in order for them to be accepted into the State's highway system. The Board discussed the charges for boats docking at the Yorktown Pier, accommodations for smaller vessels to dock at the pier, and the County Administrator's previous decision to close the pier to fishing. It was noted that less than 20 percent of the individuals fishing on the pier were York County residents, and the numbers of individuals fishing were small. Another difficulty relayed to the Board members was that the individuals fishing and their paraphernalia were not always appreciated by the patrons of the cruise ships and tourists walking on the pier. Regarding the Vehicle Fleet Management Policy, it was noted that the Sheriff's vehicles were included, and a brief discussion took place concerning the status of the vehicle owned by the Industrial Development Authority. A brief discussion was also held concerning New Quarter Park being open to groups.

Mr. Stuck then reviewed the summary of proposals for York Hall use which was provided to the Board and which would become another new Board Policy, BP00-18, upon Board approval.

Mrs. Noll noted that the summary indicated the Board Room would not be available for non-County users. She reminded the Board members that when the discussions were held with various groups concerning the community's needs and the plans for the renovations of the building, the main reason for building the current platform in the Board Meeting Room was for use by groups wishing to conduct lectures, small musical groups, community assemblies, and the like.

Mr. Burgett noted that the decision to restrict the Board Meeting Room's use was made by the Board at a meeting when Mrs. Noll and Chairman Zaremba were absent. He explained the Board's reason for making the decision was because of concern about the expensive equipment in the room and its upkeep.

Mr. Stuck agreed there was a lot of expensive equipment and furniture in the room, and the County would incur costs in opening it up to non-County users. He stated there was some discussion at the meeting Mr. Burgett mentioned about staffing to open the building on a regular basis to groups, and there was also discussion about the need for security when non-County people were in the building, as well as the added cleaning costs. He indicated that staff had tried in the policy to suggest that groups which could be accommodated elsewhere not be allowed to use the Board Room. Mr. Stuck stated the proposed guidelines were for the Board's review and more discussion before making any kind of final decision. He reminded the Board members that its guidance to him was that the process was to be sequential—the guidelines were to be developed and approved first, and then staff would approach potential users to discuss space needs.

After a brief discussion, the Board, by consensus, directed that the finalizing of the guidelines and staff contact with potential users be done simultaneously and that use of York Hall be added to the topics for discussion for the September 12 work session.

ANNUAL REVIEW OF PERSONNEL POLICIES AND PROCEDURES

Mr. Stuck indicated there were no significant changes this year to the personnel policies, only word-smithing for clarification in most cases. He noted that Mr. McReynolds and Mrs. Blanton were present to answer any questions the Board might have concerning the policies.

He then reviewed one amendment which represented a new philosophy for the County regarding career ladders. The V-Team had recommended that certain job classifications be tiered so that once an individual had received the required training or certification they would be moved up to the next level. He stated the amendment was to encourage employees to continue their learning process, making them more valuable to the County. Mr. Stuck indicated the only other notable change in the policies was the proposed amendment to allow sick leave to be taken in one-half hour increments instead of the present one-hour increments.

Discussion followed on the cap set on the payment for sick leave to employees who leave County service. Discussion also took place regarding the sections on harassment and personal appearance requirements. The Board was provided with clarification regarding payment of membership dues for employees' job-related professional associations and incentive pay for firefighters who obtain emergency medical technical and paramedic certifications.

ANNUAL REVIEW OF THE PURCHASING POLICY

Mr. Stuck indicated that Mr. McReynolds and Mr. Sawyer were present to answer any technical questions the Board might have regarding the purchasing policy and its proposed amendments. He stated there were very minor changes this year, and he reviewed the two proposed revisions concerning an increase in the thresholds for competition levels required for the procurement of goods and services (Section 2-3) and the elimination of wording in Section 3-17 which required that the Board be notified prior to the issuance of an Request for Proposals (RFP) if the RFP was used for procurements in excess of \$30,000 and an RFP was not the required method of solicitation. He explained that the Board must approve all procurements in excess of \$30,000, making this step redundant.

Mr. Wiggins indicated he had received complaints regarding the way the County selected its architects for projects. He stated he had been told that partiality had been shown for certain architects.

Mr. Stuck stated the staff heard the same statements all the time, and indicated that if the Board wished the staff could produce records from past years showing that the County staff was impartial in its selections. He noted that several years ago the Board got involved with a complaint and reviewed the selection process for that particular project and found for themselves why the complaining architect did not get the job. Mr. Stuck indicated there were some cases where the County sole sources to architects when it was adapting a current building of the architect's design or the County needed a site adaption for a new building to be built according to the same architect's plans of an existing County building.

Discussion followed on the process followed in selecting architects.

Mr. Burgett then expressed his concern about the County not using more York County business resources and outsourcing its needs. He stated he felt the Board needed to do what it could to get local businesses better at making bids and proposals so that they could be more competitive for York County business. The Board's goal should be to increase the amount of money it puts back into the community.

Mr. Stuck indicated the preceding Board had a strategy in its Goals and Objectives to do just as Mr. Burgett suggested. A part of that goal was to monitor how much was going to local businesses, and a system was set up to do that. He noted that in talking percentages of expenditures going back into York County businesses, the percentage becomes skewed when a situation occurs like the need for a courthouse and there is no firm in York County that could build a \$10 million structure; and \$10 million was a major portion of the County's expenditures for a year. He noted that typically many of the companies that do the work on large projects in the County are from the region.

Mrs. Noll agreed with Mr. Burgett that the Board must continue to stress this initiative.

Miss Rapp noted it was good to keep it in mind, but the function of government was not to take care of York County businesses. She stated it was a concept to be cognizant of, but the County's bottom line was to get the best price for the goods and services it needs.

LIBRARY MANAGEMENT SERVICES AGREEMENT

Mr. Stuck stated the proposed action was to obtain a formal agreement between the Board of Supervisors and the Library detailing exactly how the library system was being managed. For many years things had been done informally, but as the organizations became larger, it became harder to do informally. He stated staff had attempted to clarify the current management of the library, and the proposed agreement covered the salient points. He noted the portion that generated the most discussion was personnel administration, and he explained how the head of the Library was, by state statute, hired by the Library Board of Trustees and answered to them, although the York County Code stated that the head of the Library was hired by the Board of Supervisors. He discussed the need to rescind Chapter 13 of the York County Code because of its conflict with the Code of Virginia. He noted that an ordinance would be brought to the Board soon for its consideration. Mr. Stuck indicated the agreement had a term of five years, and either party could be released from said agreement by giving 180 days notice.

Discussion followed on what would happen if either party chose to withdraw from the agreement.

Chairman Zaremba noted that one of the Library Board members' term had expired a couple of years ago, but the member was continuing to serve on the Board, and he asked how this had happened.

Mr. Barnett explained that while there were no state limitations on the number of terms a Library Board member may serve, Chapter 13 of the York County Code sets a two-term limit, although it also states the members will hold office until their successors are appointed. He noted the previous Board decided, because of the member's involvement in the planning of the new Tabb Library, to allow the member to continue serving on the Library Board until such time as the new Tabb library facility was constructed and operational.

Chairman Zaremba indicated it was now time to consider making an appointment, and he wanted to think about Mr. Stuck's previous suggestion to wait until the end of the calendar year.

FREEDOM OF INFORMATION ACT REQUEST. (Not on Agenda)

Mr. Barnett briefed the Board members on the recent Freedom of Information Act (FOIA) request received from the Daily Press regarding email correspondence belonging to the Board of Supervisors. He discussed his efforts to determine the cost of gathering the emails as well as his review time to ensure that no privileged or non-governmental business exchanges were being provided. He noted that most if not all of the Peninsula jurisdictions had been asked for the same information, and the School Boards had been sent separate, similar requests.

The Board members then discussed how the email correspondence would be provided, whether printed out by the Board members themselves or have the Computer Support Services Division pull them together. Discussion also took place on providing deleted email messages which could be accessed only with difficulty and significant expense from computer tape for the last two weeks. The consensus of the Board was to let Computer Support Services handle the email retrieval from the Board's computers.

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Chairman Zaremba questioned whether or not the Board was setting a precedent in this matter. He asked if the Board would be required to provide whatever someone asked for if they were willing to pay the entire costs. He noted that this request was just a fishing expedition on the part of the Daily Press looking for a story.

Mr. Barnett stated he had not heard of any other jurisdiction that had refused to comply with this request.

Chairman Zaremba noted that the County Attorney of James City County was very selective in what he allowed to be sent to the newspaper.

Mr. Barnett ensured the Board that he, too, intended to be very selective. He stated he would review all the email messages to make sure only those email messages not otherwise protected by state statute and of legitimate government business were forwarded.

CLOSED MEETING. At 8:44 p.m. Mr. Burgett moved that the Board convene in Closed Meeting pursuant to Sections 2.1-344(a)(5) and 2.1-344(a)(7) of the Code of Virginia for the purpose of discussing a prospective business or industry not yet announced and for consultation with legal counsel.

On roll call the vote was:

Yea: (5) Noll, Burgett, Wiggins, Rapp, Zaremba
Nay: (0)

Meeting Reconvened. At 9:25 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED SES-
SION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 8th day of August, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Wiggins, Rapp, Noll, Zaremba

Nay: (0)

REQUEST FOR COUNTY PARTICIPATION IN CONSTRUCTION OF A PUMP STATION. (Not on Agenda)

Chairman Zaremba asked Mr. Stuck to address a phone call that he had received from Mr. Howard Jenkins, a developer in the Lightfoot area who was involved with the sale to Wal-Mart and the requirement to construct a pump station.

Mr. Stuck explained the Board policy on County participation in the construction of sewer facilities by private developers and gave the Board a copy of a letter sent to Mr. Jenkins in July of 1999 outlining the options available to him. Mr. Jenkins was inquiring to see whether or not the County was interested in participating in the cost of constructing the pump station beyond the award of sewer connection credits. Mr. Stuck indicated the County's ordinances allowed the Board to consider such requests.

After a brief discussion, the Board, by consensus, indicated it was not interested in participating in the construction costs of the pump station, and asked Mr. Stuck to relay that information to Mr. Jenkins.

Meeting Adjourned. At 9:35 p.m. Chairman Zaremba declared the meeting adjourned sine die.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors